



**Sean Rogan**  
Executive Director

**COMMUNITY DEVELOPMENT COMMISSION**  
**of the County of Los Angeles**

2 Coral Circle • Monterey Park, CA 91755  
323.890.7001 • TTY: 323.838.7449 • [www.lacdc.org](http://www.lacdc.org)



**Gloria Molina**  
**Mark Ridley-Thomas**  
**Zev Yaroslavsky**  
**Don Knabe**  
**Michael D. Antonovich**  
Commissioners

# ADOPTED

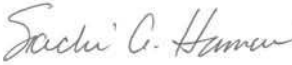
Community Development Commission

October 12, 2010

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OCTOBER 12, 2010

The Honorable Board of Commissioners  
Community Development Commission of the  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Commissioners:

## **AUTHORIZATION TO ACCESS CRIMINAL HISTORY INFORMATION (ALL DISTRICTS) (3 VOTES)**

### **SUBJECT**

This letter recommends authorization for the Community Development Commission of the County of Los Angeles (Commission) to access state and federal criminal history information for employment, licensing and/or certification purposes from the California Department of Justice and the Federal Bureau of Investigation. This authorization will allow Commission Human Resources staff to conduct thorough background checks on prospective new hires, existing employees applying for promotion or reassignment, contract personnel, and volunteers.

### **IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that authorization for the Commission to obtain criminal history information from the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) is not subject to the provisions of the California Environmental Quality Act (CEQA) because the activities are not defined as a project under CEQA.
2. Adopt and instruct the Chair to sign a resolution authorizing the Commission to access state and federal summary criminal history information for employment, licensing, and/or certification purposes using electronic fingerprinting, also known as Live Scan; and instruct the Executive Director to submit the Resolution to the DOJ and the FBI.
3. Authorize the Executive Director to designate any Commission positions as sensitive due to the nature of the work performed.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of this action is to allow the Commission to obtain criminal history information from the DOJ and the FBI for Commission employees, job applicants, and volunteers. In addition to the criminal history information, the DOJ and FBI will provide any subsequent arrest and/or conviction information when applicable.

In accordance with California Penal Code 11105.3, the Commission currently conducts background checks on employees and on any person who receives benefits from the Housing Authority. These required background checks are performed through an inter-office agreement with the Los Angeles County Sheriff's Department. The background check searches for the following types of criminal convictions: domestic abuse, attack by force or not, hate crimes, discrimination, carrying firearms, and drug related convictions.

The existing background check does not provide sufficient information to make fully informed decisions regarding employment for Commission positions. For example, the Commission is not permitted to receive information on convictions related to fraud, bribery, forgery, or embezzlement because these types of convictions are not outlined in Penal Code 11105.3. Such prior convictions could pose a liability for the Commission if they substantially relate to an employee's suitability for the job. This potential liability necessitates more expansive background checks.

### **FISCAL IMPACT/FINANCING**

There is no impact on the County general fund. The proposed fingerprinting services will be paid for by each division as part of the recruitment process, utilizing funds included in the division's current approved budget. The estimated cost per employee scan is \$71 (which includes \$20 to "roll" the fingerprints, \$32 DOJ cost to access the criminal history database, and \$19 for federal criminal history information from the FBI). It is reasonable to estimate there will not be more than a 15% staff turnover in any fiscal year, which translates to an annual estimated cost of \$6,745.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On November 10, 1998, the Board of Supervisors approved a resolution authorizing the Director of Personnel and each appointing authority of the County to conduct Live Scan background checks. Because the Commission does not fall under the County's Personnel structure, the Commission must adopt its own resolution.

The DOJ has instructed the Commission to adopt the attached resolution to authorize the use of Live Scan for employees, job applicants, volunteers and contractors. The language, content and format have already been approved by the FBI and should enable the Commission to begin receiving summary criminal history information.

The attached resolution differs from the County's 1998 resolution based on instruction from the DOJ. All of the specific details of how the Commission handles and applies the Live Scan information will be outlined in an internal "Administrative Policies and Procedures" document.

The internal policy will explain how the Commission contracts with local Live Scan locations to "roll" the electronic fingerprints of an applicant and then submit them to the DOJ on the Commission's behalf. After submittal of the fingerprints, the criminal history information will be sent directly to the

Commission's Human Resources Manager via secure electronic mail from the DOJ. The Human Resources Manager, in consultation with the Executive Director or his designee, will decide whether the criminal conviction history of an applicant will disqualify him or her from serving in the sensitive position.

#### **ENVIRONMENTAL DOCUMENTATION**

This action is exempt from the provisions of the National Environmental Policy Act pursuant to 24 Code of Federal Regulations, Part 58, Section 58.34 (a)(3), because it involves administrative activities that will not have a physical impact on or result in any physical changes to the environment. The action is also not subject to the provisions of CEQA pursuant to State CEQA Guidelines 15060(c)(3) and 15378, because it is not defined as a project under CEQA and does not have the potential for causing a significant effect on the environment.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The use of Live Scan for criminal background checks will reduce the chances of criminal activity occurring in all Commission activity.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sean Rogan", followed by a horizontal line.

SEAN ROGAN  
Executive Director

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Enclosures

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COMMUNITY  
DEVELOPMENT COMMISSION OF THE COUNTY OF LOS ANGELES**

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties, and districts to access state and local summary criminal history information for employment, licensing, or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(10) authorizes cities, counties and districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require the city council, board of supervisors, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW THEREFORE, BE IT RESOLVED, That the Commission is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing, or certification purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, That the Commission shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees), or licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer or license in question.

COMMUNITY DEVELOPMENT COMMISSION  
OF THE COUNTY OF LOS ANGELES

By *Gloria Molina*  
Chair, Board of Commissioners

ATTEST:

SACHI A. HAMAI  
Executive Officer/Clerk of  
the Board of Commissioners

By *[Signature]*  
Deputy



APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN  
County Counsel

By *Behnaz Ashkanani*  
Deputy

APPROVED BY BOARD ACTION ON October 12, 2010